

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 9, 2025

Lyle W. Cayce
Clerk

No. 24-60115

VELMA SMITH, *individually and on behalf of all others similarly situated,*

Plaintiff—Appellant,

versus

AEGON USA, L.L.C., *doing business as* TRANSAMERICA;
TRANSAMERICA LIFE INSURANCE COMPANY; AEGON DIRECT
MARKETING SERVICES, INCORPORATED, *formerly known as* AEGON
SPECIAL MARKETING SERVICES, INCORPORATED; PENNEY
OPCO, L.L.C., *doing business as* JCPENNEY, *formerly known as* JC
PENNEY, INCORPORATED; TCS E-SERVE INTERNATIONAL
LIMITED; TATA CONSULTANCY SERVICES LIMITED; TATA
AMERICAN INTERNATIONAL CORPORATION,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:23-CV-357

Before DENNIS, HAYNES, and RAMIREZ, *Circuit Judges.*

J U D G M E N T

This cause was considered on the record on appeal and was argued by
counsel.

No. 24-60115

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.

IT IS FURTHER ORDERED that appellant pay to appellees the costs on appeal to be taxed by the Clerk of this Court.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See Fed. R. App. P. 41(b). The court may shorten or extend the time by order. See 5th Cir. R. 41 I.O.P.



Certified as a true copy and issued
as the mandate on Jun 02, 2025

Attest:

Jyle W. Cayce

Clerk, U.S. Court of Appeals, Fifth Circuit